

FILED  
DOGGED  
DEC 12 2008  
AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY



08-CV-01272-ORD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JAMES M. CRARY,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

Case No. 08-1272-JLR-JPD

ORDER OF DISMISSAL

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of United States Magistrate Judge James P. Donohue, and the balance of the record, does hereby find and ORDER:


- (1) The Court adopts the Report and Recommendation.
- (2) Plaintiff's complaint is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B). As a result, his IFP application is DENIED as moot.

ORDER OF DISMISSAL  
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(3) The Clerk is directed to send copies of this Order to the parties and to Judge  
Donohue.

DATED this 12<sup>th</sup> day of December, 2008.

  
JAMES L. ROBART  
United States District Judge